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LETTER DATED 22 JANUARY 1991 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with paragraph 4 of resolution 678, I wish, on behalf of my Government, to submit the following report on actions undertaken pursuant to paragraphs 2 and 3 of that resolution, to follow the initial report submitted on 18 January.

Since that report, military forces of the coalition, including United States military forces, acting in accordance with UNSCR 678, have continued their air action against Iraq's military targets, including Iraqi biological and chemical warfare facilities, mobile and fixed surface-to-surface missile sites, and occupation forces in Kuwait and southern Iraq, as well as command and control centers, supply lines and the air defense networks that protect these facilities. Over 8,100 coalition air sorties have been carried out since hostilities began 16 January.

As of the morning of 21 January, United States forces have lost ten aircraft. Other coalition forces have also suffered losses. In addition, fifteen U.S. military personnel have been reported as missing.

The naval forces of the United States have also engaged Iraq's naval forces in the northern Gulf. These attacks have been on Iraqi units that are engaged in operations against coalition forces.

On 17 January, a brief episode of artillery fire was initiated by Iraqi forces, causing some damage to an oil installation in Northern Saudi Arabia. Coalition forces responded to this attack and suppressed any further action from those Iraqi artillery positions.

On 17 January, Iraq launched one surface-to-surface missile at Saudi Arabia. Coalition forces destroyed that missile in mid-air.

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In the early evening of 17 January (Eastern Standard Time), Iraqi forces also launched a number of surface-to-surface missiles in an unprovoked attack on another UN Member, Israel. Another such unprovoked attack occurred against Israel the following day. This unlawful use of force against the territorial integrity of a UN Member State that is not a party to the conflict was obviously not directed at specific military targets, but rather at civilian targets resulting in civilian casualties.

Late 20 January and early on the morning of 21 January, the Iraqi forces launched ten surface-to-surface missiles against the Saudi Arabian cities of Dhahran and Riyadh. As of today, we have no reports of casualties resulting from these attacks.

On 19 January, the United States provided notification to the ICRC and the Government of Iraq of the presence of two U.S. military hospital ships in the waters off the Arabian peninsula, earlier notification of which had been provided to States party to the Geneva Conventions.

On 19 January, the Government of the United States in a diplomatic note informed the Government of Iraq that it intends to treat captured members of the Iraqi armed forces fully in accordance with the Third Geneva Convention Relative to the Protection of Prisoners of War, and that the United States expected Iraq also to comply fully with this humanitarian convention. United States forces have captured 23 members of the Iraqi armed forces and have told the ICRC we are prepared to facilitate access to those POWs.

Following Iraqi broadcasts 20 January of taped interviews with several coalition prisoners of war, the Department of State called in the Iraqi Chargé d'affaires in Washington to protest the apparent treatment of members of the United States armed forces and other coalition forces held by the Government of Iraq. In a diplomatic note, the United States protested Iraq's apparent treatment of U.S. prisoners of war as contrary to the Third Geneva Convention of 1949 Relative to the Protection of Prisoners of War. The U.S. Department of State reminded Iraq that the mistreatment of prisoners of war is a war crime, demanded full Iraqi compliance with the convention and requested immediate access for the ICRC to any prisoners of war held by Iraq.

Baghdad radio has subsequently reported that the Government of Iraq intends to locate United States and other coalition POWs at strategic sites that may be subject to attack. This is a violation of the Geneva Conventions for which the United States will also hold the Government of Iraq and individual Iraqi officers responsible. Under the Third Geneva Convention, POWs may not be unnecessarily exposed to danger, and must be evacuated to camps in safe areas as soon as possible after capture. The Department of State 21 January therefore called in the Iraqi Chargé d'affaires in Washington to protest strongly such action and to reiterate the protest delivered on 20 January regarding Iraqi treatment of United States and other coalition POWs. The Department of State reaffirmed the above in diplomatic notes to the Government of Iraq.

On 21 January the U.S., British and Kuwaiti Ambassadors in Geneva met with ICRC President Sommaruga to bring officially to his attention Iraqi violations of the Geneva Conventions and to request the ICRC to take appropriate action.

A copy of the 21 January diplomatic note to the Government of Iraq is attached. I have already requested that you distribute as documents of the Security Council the two preceding notes of 19 and 20 January, as well as a circular note dated 19 January 1991 to the States party to the Geneva Conventions on the presence of hospital ships (S/22122).

I should be grateful if you would circulate this letter and its attachment as a document of the Security Council.

(Signed) Thomas R. PICKERING

Annex

Baghdad radio has reported that the Government of Iraq intends to locate United States and other coalition POWs in Iraq at likely strategic targets of coalition forces. The United States strongly protests the Government of Iraq's threat to so endanger POWs.

Under Article 19 of the Third Geneva Convention, prisoners of war are to be evacuated as soon as possible after their capture to camps situated in an area away from the combat zone, so that they will be out of danger. Under Article 23 of the Third Geneva Convention, no prisoner of war may be sent to, or detained in, areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations. Moreover, prisoners of war are to have shelters against air bombardment and other hazards of war to the same extent as the local civilian population. Iraqi POWs captured by the United States will be accorded these protections.

The United States and other coalition forces are only attacking targets of military value in Iraq; the civilian population, as such, is not the object of attack. Consequently the Government of Iraq is capable of placing coalition POWs in areas where military attacks will not occur.

If the Government of Iraq places coalition POWs at military targets in Iraq, then the Government of Iraq will be in violation of the Third Geneva Convention, and Iraqi officials - whether members of the Iraqi Armed Forces or civilian government personnel - will have committed a serious war crime. The Government of the United States reminds the Government of Iraq that Iraqi individuals who are guilty of such war crimes, as well as other war crimes such as the exposure of POWs to mistreatment, coerced statements, public curiosity and insult, are personally liable and subject to prosecution at any time.

Department of State,
Washington, 21 January 1991.